

Message

From: Ludmer, Margo [ludmer.margo@epa.gov]
Sent: 5/23/2016 7:45:14 PM
To: Kevin Murphy [KMurphy@WladisLawFirm.com]
CC: David W. Nunn [dwnunn@eastmansmith.com]; Doyle, James [Doyle.James@epa.gov]
Subject: RE: LLC AOC [ES-LEGAL.FID1587432]

Thank you, Kevin. EPA's internal review will likely be complete by the end of this week.

From: Kevin Murphy [mailto:KMurphy@WladisLawFirm.com]
Sent: Monday, May 23, 2016 3:16 PM
To: Ludmer, Margo <ludmer.margo@epa.gov>
Cc: David W. Nunn <dwnunn@eastmansmith.com>; Doyle, James <Doyle.James@epa.gov>
Subject: RE: LLC AOC [ES-LEGAL.FID1587432]

Thank you.

I will circulate the AOC for execution w/ the understanding that the attached is subject to final internal EPA review and get you the information requested about timing. In that regard, when do you expect EPA's internal review to be complete?

Kevin C. Murphy
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From: Ludmer, Margo [mailto:ludmer.margo@epa.gov]
Sent: Monday, May 23, 2016 2:58 PM
To: Kevin Murphy
Cc: David W. Nunn; Doyle, James
Subject: RE: LLC AOC [ES-LEGAL.FID1587432]

Kevin,

EPA finds the PRPs' requested edits to the Lower Ley Creek RD AOC to be acceptable. Please find attached an updated copy of the order, which may be forwarded to the entire PRP group. In addition to accepting the changes proposed by

the PRPs, EPA updated the caption of the AOC so as to mirror the captions of other recent Region 2 orders. Please note that the AOC is subject to further government review as it is still making its way through EPA's internal review process.

We are comfortable with your proposal to designate an internal escrow agent to deliver the full set of executed PRP signature pages to EPA after all such signature pages have been secured. However, EPA requests that the signature pages be delivered to the agency no later than June 30, 2016. We recognize that the PRPs are constrained by their respective internal review and approval procedures. If EPA's request cannot be accommodated, please provide specifics as to why more time is needed.

Many thanks,
Margo

Margo B. Ludmer
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From: Kevin Murphy [<mailto:KMurphy@WladisLawFirm.com>]
Sent: Friday, May 13, 2016 4:23 PM
To: Ludmer, Margo <ludmer.margo@epa.gov>
Cc: David W. Nunn <dwnunn@eastmansmith.com>; Doyle, James <Doyle.James@epa.gov>
Subject: RE: LLC AOC [ES-LEGAL.FID1587432]

Margo:

The PRP Group has reviewed both the execution draft of the proposed AOC and the accompanying SOW. There are no requested or suggested changes to the SOW.

I have attached a redline of the draft AOC, which shows the PRPs requested edits. The redline includes an explanatory note for each request or category of request. In sum, the requests fall into the following categories: the correct legal name for the Respondents; the deletion of East Plaza, LLC from the list of Respondents; a proposed cut and paste from the definition section of the AOC to ¶12 for the purpose of keeping the subject wording identical; the deletion of any reference to the no longer applicable defined terms "RD Costs" (¶65) or "Future RD Response Costs" (¶93), and one or two typo-like corrections.

On receipt of a final execution copy from you, David and I will forward the proposed AOC to each of the PRPs for distribution, review, and execution by the respective clients. If acceptable to EPA, we propose that the PRPs designate an internal escrow agent who will secure copies of the executed AOC from each of the PRPs and on receipt of a full set of signatures, release and deliver a full set of executed signature pages to the Agency.

As you might expect, each of the clients has its own required internal review and approval process and the government PRPs are each required to follow well-established docketing, legislative review, public notice and public comment requirements before voting to approve entry into and execution of the AOC on behalf of each respective government. Given the applicable rules and notice requirements, the full set of executed agreements should be available for delivery to EPA no later than Friday, July 15, 2016.

The PRPs have already discussed post-execution timing issues and remain confident that with the timely submission, approval and turnaround of SOW submissions Arcadis will in the field this season.

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